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The Opinion

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THE OPINION

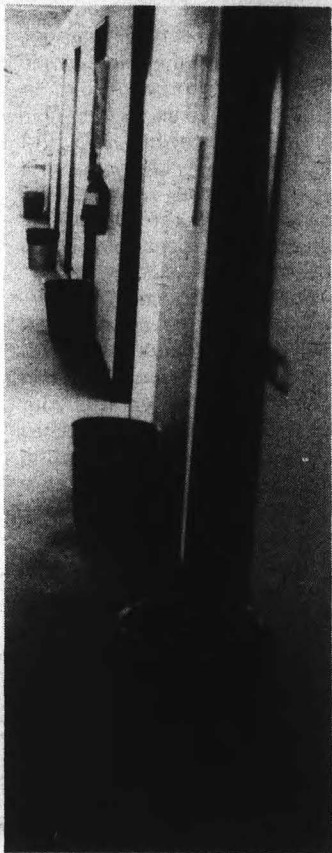


Vol. 25 No. 8

STATE UNIVERSITY OF NEW YORK AT BUFFALO SCHOOL OF LAW

February 6, 1985

O'Brian Hall Falling Apart at the Seams



Garbage cans are lined up outside of offices on seventh floor of O'Brian to catch leaking water.

by Victor R. Siclari

If it seems to you that O'Brian Hall, the Law School building, is falling apart, your assumption is correct. For the last five years the roof has leaked, and for the second year in a row the same pipe in the Sears Law Library has burst, explained U/B Law School Dean Thomas E. Headrick and Law Library Director and Associate Law School Dean for Legal Information Services Ellen M. Gibson.

Pipe Burst Floods Reserve Area, Damages Books

The latest mishap which the Law School building has suffered

was the rupture of a pipe behind the wall on the second floor Library Reserve rooms. According to Gibson, frozen water caused the pipe to burst sometime during the first few days of the blizzard when the school was closed. It was first discovered by university maintenance, but it was not until Wednesday, January 23, that anyone on the library staff became aware of the problem.

This was the second time that the same pipe burst. Last year, the pipe had burst when extreme cold temperatures caused the water in the pipe to freeze. Maintenance had to cut a hole in the wall to gain access to the

shut-off valve. After this first mishap, a trap door was supposed to be installed in case of a future problem with the pipe, said Gibson, but nothing had been done. Instead, the hole remained, covered only by an aesthetically displeasing piece of cardboard and tape to block the cold drafts.

If the trap door had been installed, it may have prevented some of the water from gushing out the patched-up hole. The flood of water caused damage to the carpeting in the two offices, reserve collection area and staff lounge behind the Circulation Desk, as well as the carpeted area that extends in front of the Circulation Desk by the display cases near the library entrance. In addition, books stored on the window ledges and shelves were damaged. Gibson noted that some of the damaged books were inexpensive paperbacks that could be easily replaced, but others were expensive ALA directories which currently are being dried out in a special facility of the University.

Flood Causes Stain in Carpet and Odor Problem

Although maintenance had vacuums to remove standing water on the carpets, explained Gibson, the equipment which the University owns for this type of problem is limited in its effectiveness. "Although maintenance vacuumed up as much water as possible, the carpet was still wet enough that you could touch it and see the water seep out of the carpet. My staff had to wear boots because the water would seep right through their shoes," said Gibson. She noted that the library clerks had to endure damp and cold conditions because of this. "There is a real need for suitable equipment to effectively get the water up from the carpet."

Another problem which Gibson cited is that there is wet car-

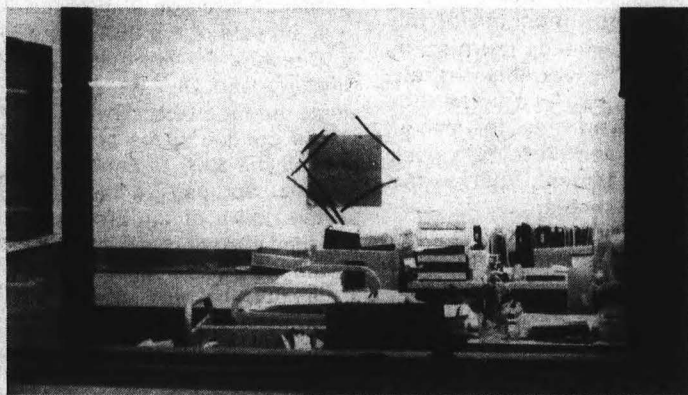
pet beneath the bookshelves. Since the rugs were the first thing to be laid down in the Library, the bookshelves are located on top of the carpets, rather than having the carpet cut around the stacks. Gibson said she was unsure whether the part of the rug beneath the bookshelves will dry or if there will be a mildew problem. Currently, there is a very noticeable odor problem. And although most of the water has dried in the open areas of the carpet, the water has caused staining. She said maintenance has plans to shampoo the carpet to kill the mildew.

O'Brian Roof Falling to Pieces

Another problem, which has been long-standing, concerns the external condition of O'Brian Hall. The building, constructed in 1972, first started showing signs of decay about five years ago when water began leaking through the ceiling on the seventh floor. No affirmative action was taken at that time to repair the problem and instead the problem has worsened and caused extensive damage throughout the seventh floor, with the most severe problem in the area of room 706.

Garbage containers, lined with plastic bags to catch the dripping water, are lined up outside the offices on the seventh floor as if it were garbage pick-up day. However, on a rainy day it becomes apparent that there are still more leaks than there are containers to catch the water in. This has resulted in decay of the ceilings, water damage to and holes in the carpet, and damage to furniture and items in offices, not to mention damage to the internal structure which is unobscurable to the naked eye. Not even *The Opinion* office, in room 724, is spared. It sports two garbage cans to catch the water. And

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Hole in library wall where pipe froze is patched up with cardboard and tape.

Photos by Victor Siclari

Public Interest Law Program Concentrates on Fundraising

by Charlotte Sibley

U/B Law students Charlotte Sibley and Sue Silverstein, along with Audrey Koscielniak of the Career Development Office, attended the National Conference of Public Interest Law Foundations. The Washington Conference was attended by representatives of over 50 law schools from all regions of the country and was the first conference of its kind.

The conference, which was organized by the Equal Justice Foundation, had two main objectives—the exchange of fundraising strategies and management of law school-based public interest law foundations, and the formation of a permanent national coalition of public interest law foundations.

Student Organized Fundraising

During the two workshops on public interest law foundation fundraising, information was exchanged on diverse strategies which law students have used to raise funds for their summer internship and fellowship programs. Many programs, including the Buffalo Public Interest Law Program, rely heavily on student and Student Bar Association contributions. However, additional sources have been developed to raise the estimated \$600,000 that law school public interest law foundations generate each year. The most successful programs rely on a fundraising strategy which includes alumni solicitations, law school administration and student contributions.

The following are illustrations of various law school fundraising techniques:

Boston University Public Interest Project raised over \$30,000 in its first year by conducting a phone-a-thon fundraising program. The agreement was that the school would match alumni pledges received as a result of the campaign on a dollar-for-dollar basis.

University of Minnesota's Justice Foundation also uses the fundraising technique of matching funds. Their program has private law firms which agree to sponsor a public interest law internship, contributing one third of the salary. The agency or organization that hires the student pays one-third of the salary and contributions and pledges from the foundations members make up the rest.

UCLA, Stanford, University of Pennsylvania and American University all conduct various types of fundraising events. These events include: a ten kilometer run, an awards dinner at \$25.00 per plate, a coffee table, and a theatrical production.

Another important technique for fundraising that our own public interest program has been successful with is gaining foundation grants. In order to receive a grant from a foundation, persistence and establishment of personal contacts are essential. Two years ago, BPILP received a \$3,000 grant from the Erie County Bar Association.

Law School Administration Support for Public Interest Law Funding

In addition to direct financial contribution to student-managed public interest law foundations, many law school administrations have created their own innovative strategies for encouraging public interest law. Notre Dame Law School offers a tuition remission to a small number of students following public interest law internships in their second summer. Northwestern University offers a loan forgiveness program for graduates whose first job is a low-paying public interest law position. Similar loan deferral or forgiveness programs are in effect at Harvard, NYU, Stanford, Touro and Columbia law schools. Douglas Phelps, Director of Public Interest Placement at Harvard Law School, encouraged development of such programs at all law schools, to redress the financial burden that pushes many students away from public interest positions and into higher-paying jobs.

National Coalition

The conference concluded with the passage of a resolution to form an ongoing, permanent coalition of public interest law foundations. The purpose of the coalition is to continue an exchange of information among the local foundations and programs on fundraising, management and development of new programs. The coalition also will work to ensure that information affecting access to justice reaches the public interest law

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SBA Veep Resigns

To: Richard E. Gottlieb
Date: January 30, 1985

It is with heavy heart that I render forth my resignation of the position of Vice-President of the SBA, effective immediately. Being involved has become my characteristic and I leave a great deal undone today. Unfortunately my studies and family must come first; due to my inability to juggle the various responsibilities that I hold, it has become imperative that I lessen the load which I have attempted to carry.

My deepest apologies to those of you who have believed and supported my actions on the SBA. Although not everyone can accept my positions on the various issues, I pride myself in taking a stance and working toward a better SBA. My decision to resign is due to scholastics and not politics, and should therefore not be taken as a sign of discontent within the SBA (nothing could be farther from the truth). I apologize for the burden I leave behind. I am confident my replacement will endure and add to the accomplishments of this administration.

Sincerely submitted,
Anthony N. Torres

See related article page 7.

Editor-in-Chief: Robert M. Cozzle
Managing Editor: Victor R. Siclari
News Editor: Randy Donatelli
Features Editor: Andy H. Viets
Business Manager: John K. Lapiana

Staff: Tim Burvid, Victor J. D'Angelo, Robert C. Lehrman, Cliff Falk, Paul W. Kullman, Pudge Meyer, Lisa M. Roy, Peter Scribner, Jeff H. Stern, Tony Torres.

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Composition & Design: Words & Graphics, Inc.

Editorial Policy

Over the past semester, there have been several complaints about the manner in which *The Opinion* has operated. Part of the fault was due to the lack of awareness of the function of a newspaper and the other part was due to the absence of sufficient communication with the students. In order to clear up any ambiguity or questions concerning the newspaper's policy, we have set forth what we deem to be the most relevant aspects of our functions and methods of operation.

Articles

Our dates of deadlines, layouts and publication are posted at the beginning of each semester in the mailroom and on the door of *The Opinion*'s office, room 724 O'Brian Hall. All articles submitted must be typed double-spaced in order to facilitate editing. Articles submitted after the deadline will be published only if there is prior notice.

All articles received are subject to editing for spelling, punctuation, diction, libel, or grammar. This includes changing words in a sentence in order to clarify the meaning of the author. No substantive changes in an article will be made without first receiving permission from the author. Articles may be shortened if there is a lack of space. However, this is rarely done, with preference given to shortening ad space to accommodate copy. All articles submitted will be published if there is enough space. Due to the method of printing, the size of a newspaper such as *The Opinion* is printed in multiples of four pages. Therefore, one week there may be enough copy for ten pages, but we can only print eight pages. Whereas the next week there is enough copy for twelve pages, we will print twelve pages.

Since our staff is limited, we cannot cover every issue of importance. We do try to print articles on topics for which there is the broadest base of interest. That by no means indicates we disdain articles for which there is a minority appeal. Instead, we encourage students to submit articles concerning the law school, its clubs, its students, different fields of law or the legal profession.

Ads

Ads should be submitted as early as possible prior to the deadline for articles. If an ad will be submitted late, notice should be given in advance to *The Opinion*. All student-funded clubs are entitled to free advertising space for club-sponsored events (except fund-raisers) or club meetings. Ads for outside businesses are subject to our advertising rate, a copy of which is available upon request. Club ads for profit-making ventures will be given discounted advertising rates, however. *The Opinion* will try to accommodate as many club ads as space permits in the issue, the least priority going to a second ad submitted by the same club. *The Opinion* reserves the right to alter the wording of student-funded ads in order to accommodate space restrictions.

Headlines

Headlines represent the main concern, issue or topic of the article. They are devised by the editorial staff at layout. Due to the inability to change print size to fit the space, we must make the print fit in the space. Therefore, the size of an article's headline can vary according to the space restrictions on the individual page. This, in turn, means the headline may not always fully reflect the whole article. If any author wishes to have a particular headline or formulate his own headline, the author is welcome to attend layout and the editorial staff will instruct you as to how the process of making a headline is achieved.

Letters to the Editor

Letters to the Editor will be published under the same guidelines as articles. Occasionally, the editorial staff will respond or make comments to these letters, especially if there is a direct attack on *The Opinion* or its policies or if the editorial board feels that the student's reliance is mistaken or not in the best interests of the school.

A student can request to have his identity withheld when his letter or article is printed. The student should submit the letter or article in a sealed envelope and indicate the request of anonymity on the outside of the sealed envelope. However, the student should indicate on a separate piece of paper his name in order to ensure that the article or letter is submitted in good faith. The envelope will be opened only by the Editor-in-Chief or Managing Editor.

Staff Status

All editors are elected annually at the end of the spring semester by the general staff. General notice is given of the date, place and time of elections. General Staff members acquire their status after three contributions, and maintain this status by earning one contribution credit at least once every three issues. One contribution credit is achieved by the publication of one article with a student's by-line, or two graphics, or two photos, or attendance and active participation at one layout, or a combination of the above. No credit is given for letters to the editor or un-by-lined articles submitted on behalf of organizations.

Editorials

Editorials may reflect a more detailed response or comment to an article or letter to the editor, or it may concern an issue which the editorial staff feel merits further discussion. The editorial does not single out any student for a personal attack, but it may be used to respond to an individual(s) who attack(s) our personal viewpoint. Like all students who submit Letters to the Editor or articles, the editorial staff is entitled to express its viewpoints on certain matters which are directly related to the law school. In our editorials, we hope to achieve a balanced presentation of the issues, sometimes being biased or disproportionately weighted to one side of an issue in order to present a complementing viewpoint to those already conveyed. We do not profess that our viewpoint is the only correct one, but we do like to believe, just as anyone else does, that our opinion is the best one. *The Opinion* welcomes feedback and opposing viewpoints because it is only in that manner that the real truth can be ascertained by our readers.

The Opinion Editorial Policies Questioned Stances Called 'Hypocritical'

To the Editor:

(Reprinted with permission of *The Spectrum*)

If you gentlemen can find the time and energy needed to rouse yourselves from the gutter, I have a few words of praise for you.

Congratulations! You have surely reached new depths in editorial irresponsibility. Your dual editorials in the 12/3/84 edition of *The Opinion* were worthless. I have placed copies on reserve in the Law School Library for the University community to peruse: if nothing else, these editorials are of interest for their singular lack of journalistic integrity.

Messrs. Cozzie, Siciari, Donatelli and Viets, you have compromised your paper in order to mount your unfounded, malicious, personal attack against Student Bar Association Directors Olin and Ginsberg. As you noted in your editorial, the Westwood decision was based on a 7-6 vote of the SBA Board of Directors — yet it is only Ginsberg and Olin whom you single out for attack. Why?

Your critique of the proposal to send the \$300 to Ethiopia is pathetic. So long as the SBA posted notice of the proposal; provided an opportunity for public debate, and then passed it by a majority, it would seem well within the authority of the SBA. The SBA charter is broad: it leaves the Board room to take extraordinary action in the face of an extraordinary crisis, i.e., the famine in Ethiopia.

Your editorials provide your readers with some insight as to your character, or lack thereof.

You measure the success of the SBA President by his ability to be "effective in keeping in line a group of people with widely divergent views", and refer to the members of the Board as the President's "troops". These militaristic metaphors, used to describe an elected body of student representatives, are interesting indeed.

It is evident from your editorial, that you believe the sole function of the SBA is to throw keg parties. While these events, in their own right, are worthwhile, the SBA has traditionally recognized a sense of social responsibility which prompts it to sponsor activities whose focal point is not a beer keg.

The SBA is political; *The Opinion* is political, in fact, we Americans are a very political people. You speak of hypocrites, and political neutrality, yet it is your own, narrow, political reference point upon which you ground your accusations. (With reference to Westwood: "In fact, every editor on our staff would have gone.")

One last note, with reference to Messrs. C. Donatelli's "article" about PAD. Without disparaging the group in any way, I would like to say the "article" should have either been labelled an editorial, or noted the fact that Donatelli is both an editor of *The Opinion*, and an officer of PAD. This simple rule of journalistic ethics is followed by such papers as the *New York Times* and *The Spectrum*.

Gentlemen, there is hope! Rest assured you can sink no lower.

Sincerely,
George A. Terezakis

Paper 'Misstates' Views

Dear Editorial Staff:

Once again *The Opinion* has shown its inability to collect and analyze all of the facts surrounding a situation upon which it reports. In addition to continually covering merely one aspect of a story, *The Opinion* has succeeded in becoming part of the problem, instead of a force in the solution.

Beginning with the subject of a "political" SBA, perhaps it is *The Opinion* who should "spend more time researching." Rich Gottlieb won the presidency on a political platform (as opposed to that which was based on parties, not politics). Given the extensive coverage by *The Opinion*, both candidates were able to clearly articulate their views to all interested students. That coverage, however encompassing for the executive offices, was non-existent for all other candidates. By soliciting viewpoints from all candidates, perhaps in a questionnaire, *The Opinion*, instead of complaining about electoral reforms, could help solve the problem.

As a re-elected Director, I received the largest number of votes from my fellow second-year students only after circulating a position paper stating my views on important SBA issues. Another interesting fact for the editors of *The Opinion* to note is that Beth Ginsberg received the same mandate in her class by

also registering the highest number of votes.

While I am sure that the Board appreciates *The Opinion*'s positive statements concerning the majority of its activities, some facts need to be straightened out. The party at the Westwood country Club was never conceived as, nor intended to be, a profit-making venture. SBA was going to foot the bill for leftover costs because of a fear of exorbitant ticket prices. The party was established as a Fall Semi-Formal, and nothing else. Those Directors who voted against a country club setting, all seven of them, were doing their job by upholding what they saw as the concerns of their constituencies. The Editorial statement that all of *The Opinion*'s editors would attend the party epitomizes the paper's lack of concern for those with differing viewpoints. Which five members of the Board were questioned concerning the vote? Any members who voted against having the party? Another note, your staff reporter/Director was not (along with myself) in attendance at the meeting at which the vote was taken.

Lastly, I think that *The Opinion*'s tactics of singling out members of the board to castrate for a group vote is distasteful and personally motivated. Seven Board members voted against the party at the Westwood, yet only three were chastised for it.

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Columnist's Life is a 'Complete Disaster'



by Andy H. Viets

I am very rarely in a good mood when I find myself in this part of the country and, particularly, in Buffalo for the month of January. This time is no exception. Now that we are all back in this God-forsaken frozen wasteland, I have chosen you, my faithless readers, as the recipients of

what has become an all too often diatribe on my part concerning my cursed fate in hell itself. So, let's start at the beginning:

My life is a travesty — or, more simply put, it is a complete and total disaster. My problems started this past December. Sure, I was about to hand my Property II paper in on time — but I could have lived without having to do it in the first place.

And sure, I managed to take all my finals and live to tell about it — but I would venture a guess that I could have printed my exam answers in this space and gotten just as many laughs for considerably less effort.

And sure, I got an extension on my seminar paper — but so did everyone else, and I bet that none of them soon came to realize, as I did, that all of the work he or she had already put into it had nothing to do with anything even remotely resembling a legal concept accepted as such somewhere within this universe.

And sure, I drove all the way to Mom and Dad's house on Long Island virtually unscathed and in reasonably good weather conditions — but, so what? The month of December is nothing but a blur to me now, though that might just be due to the fact that I was in desperate need of a pair of contact lenses at the time.

Well, I suppose that in retrospect, December wasn't so bad after all — but lemme tell ya, the month of January was definitely a complete and total disaster. Let's start at the beginning:

Do you have any idea how I spent my three weeks on Long Island? Packing — that's right, packing. It seems that Mom and Dad are planning on retiring sometime this year so I had to pack up all of my stuff in preparation for shipment to destinations unknown. Have you any idea what it's like to try to either pack or throw away nearly twenty-five years worth of memories (or junk as Mom and Dad put it)? Believe me, it is no easy task for a sentimental old softy like myself to dispose of even some of my life's treasures (I did keep my Mr. Potato Head, though).

When I finished packing it was Saturday, January 12, and time to drive back here. That was an adventure I will not soon forget.

I did manage to set a new personal land speed record for getting my car from Long Island to Buffalo — four days. It seems that Delilah (that's my car's name) decided that she wanted to visit Binghamton for awhile. As I was driving north on Interstate 81, just before it crosses NY 17, her clutch gave out (just like a woman, wasn't it?).

As chance would have it, however, a series of fortunate events came my way. I was able to flag down a truck, which drove me to a gas station, the operator of which had a tow truck which he used to transport Delilah to a Nissan service center (Delilah is a Datsun, and since Nissan is now Datsun, or is it the other way around, this made perfect sense), the manager of which, after informing me that absolutely nothing could be done until Monday, directed me across the street to a Chevrolet dealer, in which the salesperson rented me his last available car for nothing more at the time than a small cash deposit (which was particularly fortunate considering that no financial institution is insane enough to give yours truly a major credit card).

To make a long story short, I drove the rest of the way here in a blinding snowstorm, though without mishap, and a few days later I returned to Binghamton to get my Delilah back. I am happy to report that Delilah and her not-as-proud-as-he-once-was-owner problem, instead of a force in the shape.

Do not think, however, that this is the end of the story, for the rest — the Blizzard of '85 — is yet to come. You are most likely asking yourself at this very moment where I was meandering about when that raging storm commenced. Well, I was at home, where I stayed for the next several days. Things sure did get

messy out there for awhile, didn't they?

Actually, though, several good things happened over that period of time: 1) I rewrote my seminar paper from last semester (the one I got an extension on), 2) the 49'ers kicked the shit out of the Dolphins (in Super Bowl XIX), 3) Mayor Griffin proved that he could perform reasonably well as Streets Commissioner (maybe they should give him the job permanently and let someone else be mayor), and 4) Governor Cuomo declared Western New York a disaster area (something he should have done years ago).

It appears that the effects of the blizzard may be with us for a while yet. One of my roommates still hasn't shown up at our apartment, and at last report he has no intention of doing so until every last snowflake melts.

At this time you are probably wondering why I have used this entire column to describe such mundane things as packing, Delilah, and snow, when I could have written about my most recent excursion to Paradise — the South Coast of California. Well — and I am ashamed to admit this — I did not go there this past Christmas break. Even ramblin' gamblin' men like myself have to deal with occasional budgetary constraints. I am, however, tentatively planning one last pilgrimage to my adopted homeland during spring break before I make the big permanent move in May (job or no job).

Despite my belief in those eternal words of John Lily in *Mother Bombie*, "I thank you for nothing, because I understand nothing," I would like to close by stating that any and all donations to this worthy cause will be gratefully accepted (though I seriously doubt that they would be tax deductible).

Cohen Charges Editors With 'Get-Them' Mentality

continued from page 2

Why? The Editors' attempt to show what were obviously typographical errors in Ginsberg and Olin's letter only confirms the pettiness of their attacks.

The *Opinion's* latest show of disapproval concerning the politics of famine clearly establishes the "get-them" mentality of the school newspaper. It was, in fact, the Board who suggested a fund raiser, along with the donation. Comparing a party to the issue of millions dying daily offends

even the least political mind. One-sided reporting does not fall in line with those First Amendment principles so clearly enunciated in the Editorial on December 3. Instead of continually remaining part of the problem, perhaps the Editors of *The Opinion* can make a New Year's resolution to reflect and revise their own techniques, and then start becoming part of the solution.

Sincerely,
Lori Cohen
Second Year Director

Accusations are Unfounded, Editor Counters

Dear Mr. Terezakis and Miss Cohen:

Thank you very much for taking the time and effort to respond to our recent editorials — with the unfounded and uneducated accusations you have assailed our characters with.

Before I respond to these character assassinations, I must digress for a moment. An editorial is a comment or point of view which reflects the beliefs of the Editorial Board. We do not claim to be, nor maintain any semblance of, the Almighty. As many of our readers know, we are law students. We are members of the law school community and, as such, we also are constantly in contact with members of the student body. Many of our editorials are based on these contacts and, therefore, are not "attacks" on certain events, decisions or individuals — as they have been termed. Instead, they are reflections and statements of the attitudes we, as law students, experience from our fellow classmates and which we, as the editors of the newspaper, communicate in a forum other than the bathrooms, the Baldy Walkway or the Library. But to the point at hand...

Mr. Terezakis, when one considers journalistic integrity, you are certainly not an expert. Further, your own statements

show how inaccurate your accusations are. Your (mis)quote as to how we measure the SBA President's ability certainly produced a smile on these lips. Our statement (see: *The Opinion*, 25/7, "SBA Semester Report Card") was that Rich Gottlieb had not been effective as to "keeping in line" those "people with widely divergent views on the purpose of the SBA." Amazing how a quoted statement can change meaning merely by using the full sentence, isn't it?

As to your comments regarding the by-line of Randy Donatelli's article on P.A.D., the observation you made as to Mr. Donatelli being both an editor of *The Opinion* and an officer of P.A.D. is an indication of the extensive research you must have undertaken to prepare your diatribe. As any alert reader could discover, Mr. Donatelli's name is prominently displayed on our masthead next to the title "News Editor" and, as one who once was a member of P.A.D., you must know that Mr. Donatelli is the Chapter Clerk. Very astute.

At this juncture, I also would like to address Ms. Cohen as well as Mr. Terezakis regarding the Ethiopian famine resolution. Our critique of this proposed resolution was not based on our indifference to the famine problems,

but the means by which it was to be accomplished. Apparently the two of you suffer the same shortsightedness that has become prevalent throughout the law school. Our editorial stated that student activity fees could not be used for such purposes and that Ms. Ginsberg and Ms. Olin would be wise to check with Joseph Stillwell before earmarking these funds (*The Opinion*, 25/7, "Directors Receive D Grades"), as a means of protecting themselves.

While Mr. Terezakis apparently only had time to read the editorial section of our paper (as his letter was published December 7, 1984 in *The Spectrum* — only three days after *The Opinion* editorial came out, which means, considering deadlines, he had about a day and a half to churn out a concise, reflective and well thought out response), Ms. Cohen, you should have assumed some journalistic integrity and read the whole newspaper — beginning with the front page where we printed a news box regarding the special SBA famine meeting. The meeting was cancelled because Rich Gottlieb also contacted Mr. Stillwell prior to the resolution vote. One other comment, Mr. Terezakis. Surely you are not naive enough to believe that any government or ruling body should

be allowed the broad, discretionary power you advocate for the SBA?

Now, with regard to the one complete quote you used properly, Mr. Terezakis, and which apparently has caused concern for Ms. Cohen — "In fact, every editor on our staff would have gone [to the Westwood Country Club Semi-Formal]." I am sorry for printing such a truism. It reflects a modicum of bad taste and indiscretion on my part as Editor-in-Chief of this newspaper. The fact is, except for a few individuals, there has been no adverse response to either of our past two editorials (issues 25/6 and 25/7). If the constituencies whom these directors purport to represent were so concerned with these matters, why did not they use the available forums to express themselves and their disagreement with holding the semi-formal at the country club? Generally, non-response by a group as large and diverse as the law student body indicates either apathy or acceptance/acquiescence. Considering that many of our readers and friends (and, yes, they still respect us despite these abrasive "attacks" as you have so ineptly put it) congratulated us on our editorial and acknowledged their corresponding beliefs, the editorial board feels that we have

more accurately represented the student body than the SBA on certain issues.

This letter may seem sarcastic and cynical to some, humorous and farcical to others — it is to be treated as a little of both. That is what happens when you beat a dead horse. Take it for better or worse but keep in mind the initial comments I made at the beginning of this commentary. The editorials written herein are a true consensus of the editorial board and are published with that intent.

Robert M. Cozzie
Editor-in-Chief

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Policy on Endangered Species Examined

by David Platt

The current method of endangered species management in the United States involves the use of the ubiquitous cost-benefit analysis mechanism. The task is simple or at least it appears to be. The benefits accrued from preserving the lives of organisms from both the plant and animal kingdoms are weighed against economic and social costs necessary to make such a preservation effort possible. This procedure, which is so deeply engrained in most if not all aspects of the governing process, has in the past two decades been formally made the very basis of the endangered species management decision-making agenda.

The Balancing Process

A brief review of the parameters involved in this balancing process reveals how uncertain the results of such a program can be. On one hand, there exists a fairly distinct and identifiable character called "economics". The costs involved in the setting aside of a given acreage of wetlands, forest, or farmland in order to preserve a species or population are relatively easily calculated. In a similar fashion, any losses absorbed by a landowner or developer who is prohibited from developing such land can be determined.

On the other hand, however, the permanent loss of a species, population or even ecosystem is an incalculable entity. Sometimes a price or numerical value just cannot be placed on such a loss.

Factors To Consider

Certainly many factors can be taken into account to arrive at an extremely rough estimate. Such factors might include the aesthetic value of passing through a delicate and unique ecosystem or spotting a rare bird. Others might include research potential in making agricultural advances and in the development of new products and medicines. Genetics research is essential for the improvement of crops; the rapid doubling rate of the world population is placing an ever-increasing strain on current agricultural practices. Energy research also benefits from genetics work, as new products such as biomass and oil energy sources have been developed from various plants. Roughly half of all drugs prescribed in the United States have their origins in living resources. Medical research, on such diseases as cancer and diabetes, is dependent on a large and diverse genetic pool.

These important reasons for maximizing and preserving biological diversity tend to emphasize one vital point: we do not necessarily know what we are losing when a species dies out. Biological diversity on the ecosystem, community, population and species levels, is thus of the utmost importance.

Factors Causing Decline of Species

The decline of a species can usually be traced to one of two factors; habitat modification or overexploitation. Habitat modification, the more prevalent of the two, can take many forms including the drainage of wetlands, the

development of land for housing, agriculture or transportation, chemical pollution from point and nonpoint sources, and biological pollution — the displacement of native species through the introduction of exotics.

The less common but more dramatic destructive force is that of overexploitation, with the classic example being the plight of whales. Whales are a common property resource; they belong to no one person, group, or nation in particular. As a result, each whaler is encouraged to maximize his own take at the expense of the whale population and society as a whole.

This concept of common property abuse is not limited to the animal kingdom. Tropical rain forests, as an endangered "species", are being exploited at a phenomenal rate in Africa, Central and South America, and Southeast Asia. Some experts believe that all rain forests, with the exception of a few small government protected pockets, will be gone within the next half century.

Solutions to this problem do not come easily. The people of the developing nations where most rain forests are found need this unique ecosystem to survive. As a result, the rain forests are being cleared at the fantastic rate of 250,000 to 300,000 square kilometers each year — an area roughly the size of Great Britain. To save these areas will require more than simple legislation; the human problems must be solved first, before any significant headway can be made toward averting further ecological extinctions.

Attempts to Protect Endangered Species

The United States began the process of formally protecting endangered species with the passage of the 1966 Endangered Species Preservation Act. This law set aside funds to acquire lands and required the Secretary of the Interior to generate a list of threatened species. Protection was extended to foreign species in the form of import limitations by the Endangered Species Conservation Act of 1969. This act also promoted the benefits of an international conference to discuss worldwide problems in endangered species management.

However, these two general acts provided no specific protection for any given species. This type of protection was first afforded by the Marine Mammals Protection Act in 1972, which imposed a moratorium on the killing and importation of marine mammals.

The most comprehensive legislation to date arrived in 1973, when the Endangered Species Act was passed by Congress. This important act gave the Secretary of the Interior the authority to protect all species in the U.S. and provided for a formal listing of endangered and threatened species. It also included a provision allowing any person to file a civil suit against the U.S. or its agencies to enjoin them from violating the act.

Finally, the 1973 law gave the Secretary the authority to regulate indirect effects of economic activity on endangered species. This final version was incorporated in the notorious Section 7 of the act, which provided for the identification of "critical habitat" for a given listed species and

which allowed the Fish and Wildlife Service to cancel or modify government-funded projects such that listed species were not further jeopardized.

The rigidity of the standards set forth in the 1973 law, specifically Section 7, led in 1978 to the passage of several amendments. These amendments in effect relaxed the standards by allowing a project to be exempted by a high level committee should the benefits of species preservation not compare favorably to "other considerations." This nebulous term refers to "overwhelming" economic and social considerations. The amendments also provided for critical habitat designation at the time of species listing, imposed a two-year time limit between proposal and listing dates, and provided for a review of the status of each listed species every five years.

Future Prospects

The United States' efforts on a national scale, though criticized by many environmentalists as being insufficient, are impressive. The major existing problem remains the fact that most threatened species exist outside of the U.S. in developing countries. The U.S. cannot easily exert direct control over habitat modification or overexploitation outside of its borders. Internally, the need to find a happy medium between exploitation, controlled by economic incentives and preservation, which has mainly scientific and humanitarian roots, still exists. Government intervention, in the form of comprehensive legislation, appears to be moving with some success in the direction of compromise.

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Library Head Named

Ellen M. Gibson, J.D., a 1980 *cum laude* graduate of the State University at Buffalo Law School, has been appointed director of the UB Law Library and associate Law School dean for legal information services, a newly created title.

Gibson, who had been serving for the past year as associate director of the Law Library, succeeds Wade J. Newhouse as director. Newhouse, a Law School faculty member since 1958, accepted appointment as law librarian last year on an interim basis, having served in that capacity previously.

Gibson's dual appointment as Law Library director and associate dean was announced by Thomas E. Headrick, Ph.D., dean of the Law School.

Before becoming associate director of the Law Library, Gibson was employed as an attorney with the Buffalo law firm of Albrecht, Maguire, Heffern and Gregg. She also supervised the

firm's library.

In addition to her law degree, Gibson received a master of science degree in 1964 from the School of Library Science at the University of Michigan and a bachelor of arts degree in 1963 from Denison University in Ohio, where she was a Phi Beta Kappa student and a *magna cum laude* graduate.

From 1974 to 1979, she was employed part-time as a reference librarian at the UB Law Library. She also has served as a reference and circulation librarian at Canisius College and as a paralegal problem lecturer at Hilbert College.

She was director of the Clarence Public Library from 1965 to 1967 and director of the Melvindale, Michigan, Public Library from 1964 to 1965.

As an associate professor on the UB Law School faculty, Gibson teaches a course in Advanced Legal Research in Taxation.

SBA Blizzard Bash

The S.B.A. Social Committee and the Commencement Committee jointly sponsored the First Annual Blizzard Bash (formerly the "Who Needs an Excuse to Party Party?" at the Pine Lodge on Millersport Highway, on Thursday, January 31st. The Party raised almost \$600 towards this year's commencement. I would like to expressly thank a few people for their outstanding effort.

Steve Schop — The man who did everything!
Lori Cohen — She is the SBA Social Committee!

Ken Libby — The man with the \$!
Jane Blumenthal — The Ultimate Sign Maker!
Dan Elias — The King of the ticket sellers!
Sean and Richard of the Pine Lodge for their cooperation and everyone else who helped!

Thanks everyone for partying with us. Look for more parties soon.

Sarah Ayer
Chairperson,
Commencement Committee

NYS CIVIL SERVICE EXAMINATION

We understand that there is a conflict. The NYS Legal Careers Civil Service examination is being held on the same day as the Trial Technique finals, **April 20**. All students who are affected are eligible to take the CS Exam on **Saturday, May 4**.

Trial Technique students who wish to take the Legal Careers examination on **May 4** should:

- Submit their names to CDO by Friday, Feb. 14
- Pick up the examination applications and announcement at CDO
- Return their completed application form and a check for the examination filing fee to CDO by **Friday, March 1**

Students who are not affected (are not enrolled in Trial Technique) must take the **April 20** test; applications deadline is March 11. Applications for the April 20 test should be submitted to Albany directly.

CAREER DEVELOPMENT OFFICE PRESENTS A SERIES OF CAREER PANELS

February 13 — Criminal Law
February 20 — Civil Litigation

March 13 — Real Estate
March 20 — Corporate Law

April 10 — Matrimonial Practice
April 17 — Labor Law

Late afternoons (around 3:30 p.m.)
Rooms TBA

Watch newsletter for specifics.

SENIORS!!!

SENIORS INTERESTED IN PRESENTING THE STUDENT COMMENCEMENT ADDRESS ARE REQUIRED TO SUBMIT A ONE-PAGE PROPOSAL OUTLINING THE CONTENTS OF THE SPEECH. PROPOSALS SHOULD BE SUBMITTED TO THE DEAN'S OFFICE BY MARCH 15, 1985.

The Jaeckle Center for State and Local Government Law will kick off the second semester with a box luncheon on February 11, 1985 at 12:15 P.M., in Room 545, the Faculty Lounge. Our guest will be Robert Whelan, the controversial Comptroller of the City of Buffalo.

All are welcome to attend. Put a little variety into your noontime break and join us!

Poetry Corner

by Victor J. D'Angelo

Cabin Fever

Cabin fever,
it's kinda like dance fever,
except I don't have the hair cut.
Make all kinds of dinners
with chicken thigh meat,
Nothing to do, but think of things to eat.
Danny Neavereth's been tellin' us about the snow,
Pack it up Dan, I think it's time to go
home and see the kids.
Will we make it outa this alive,
I don't know, but I know I can't legally drive
to the liquor store.

Buffalo, We're Talking Trapped

My girl wants to kill me
with a sharpened axe.
Bell's got no food left,
nothing but chicken necks and backs.
I haven't been able to study any kinda law,
There's three feet of snow in front of my door.
Under the snow I'll leave my car,
Gonna pick it up after the July bar.
Stay inside my friend
keep sane and warm,
Stay inside my love
they're predicting another storm.

The Pine Lodge

Check my knife at the door.
SUNY at Buf, School of Law
is having a party at the Pine Lodge.
Crash my car into the snow,
Inside I had to go
and see the sights.
The Big L's talking to a second year.
Wait a minute, what goes here.
There's a stuffed deer head on the wall.
Way to go.
Steve-O.

why is it that...

WAILING WALL

061420	H
768431	H
893215	H
556113	Q
234864	H
486792	H

I could write the study
Group outline and Every one?
But ME GETS AN H? R.R.

why is it that...



Some Law Professors
Take Forever to Grade Exams?
R.R.

TO: Faculty and Students
 FROM: C.H. Wallin
 RE: Calendar Changes, Spring Semester 1985

Attached are the *revised* First Year and Upperclass calendars for the current spring semester.

First Year — The revised schedule adds three days to the calendar:

Monday, April 8
 Thursday, May 2
 Friday, May 3

This schedule gives us 12 Monday sessions and 13 Tuesday, Wednesday, Thursday and Friday sessions.

Upperclass — The revised schedule adds two days to the calendar:

Monday, April 8
 Thursday, April 25

Following is a breakdown of the number of sessions:

Monday	12
Tuesday	13
Wednesday	13
Thursday	13
Friday	12
Saturday	12

It is suggested that Instructors provide a make-up class or add sufficient additional time to their classes to make up the lost time.

LAW SCHOOL CALENDAR SPRING SEMESTER 1985

UPPERCLASS REVISED

Instruction Begins	Monday	January 14
Washington's Birthday-OBSERVED	Monday	February 18
Spring Recess Begins at Close of Classes	Saturday	March 30
Classes Resume	Monday	April 8
Instruction Ends	Thursday	April 25
Examinations	Fri.-Thurs.	April 26-May 9
COMMENCEMENT	Sunday	May 19

Friday, February 15 — Deadline for Law School Faculty to hand in all grades for Fall '84 Semester.

FIRST YEAR REVISED

Instruction Begins	Monday	January 28
Washington's Birthday—OBSERVED	Monday	February 18
Spring Recess Begins at Close of Classes	Saturday	March 30
Classes Resume	Monday	April 8
Instruction Ends	Friday	May 3
Examinations	Mon.-Fri.	May 6-13

Repair Slated for O'Brian

continued from page 1

as annoying this problem is to the sense of sight, it further affronts the sense of smell with the emanating mildew odor which pervades the halls.

Failure of Roofing Materials Caused Problem

Dean H. Fredericks, Assistant Vice President for Physical Facilities, explained that the failure of roof materials caused the leaks. Most of the problem is occurring with the roof flashing where it meets the wall. Apparently there was premature aging in the roof due to the weather extremes which Buffalo experiences, Fredericks said. The remainder of the problem is aging, which is not uncommon for a roof ten years old. "Although we had hoped the roof would last longer, this is not unusual," noted Fredericks.

According to Dean Headrick the initial delay on repairs was caused because neither the University nor the builders would take the blame and fix the roof. Eventually it was decided that the builder was at fault, but there was little recourse because years had passed since the builder's bond had been returned and the building already had been accepted from the builders and turned over to the University Building and Grounds for maintenance. Instead the University Construction Fund is going to pay for the repairs.

University Construction Fund to Foot \$127,000 Bill

It was only this fall that the University finally obtained approval from Albany to have the roof repaired and let out the bids. But by the time a contractor was chosen, it was too close to winter to do the work. Work is scheduled to start sometime this spring. The cost will be \$107,000 for the external, structural repairs which will incorporate some design change to prolong the life of the roof, and \$20,000 for interior furnishings.

When Dean Headrick was questioned why the University can completely construct two new buildings right across from O'Brian Hall in half the time that it took the Law School to get some action to have the roof repaired, he explained that this is due to jurisdictional problems. First of all, once the construction of a building is completed, the funding is closed. Then it is turned over to University Building and Grounds for maintenance. They are two separate departments. Second, the Dean explained, "I am just a tenant, not a landlord." And if anyone should know about the constraints of feudalism, he is the one.

!!! IT'S PARTY TIME !!! WITH *THE OPINION*

Silver Anniversary Recruitment Party

Thursday, February 7 4:00 P.M. Room 724

Menu: Pizza and Beer

Why? We could use some writers and photographers.

VP Vacancy Opens

by Lisa Roy, SBA Secretary

Tony Torres, current Vice-President of SBA, handed in his resignation at the close of the SBA meeting held January 30th. With the deepest apologies, Tony Torres explained that responsibilities to family and studies had forced him to make this decision. Writing both as student and SBA Secretary, I would like to thank Tony for his effort and time spent in office. Although many have not agreed with his positions on various issues, I thank him for caring enough to express his sincere beliefs in what is best for the student body and the school.

The resignation of the Vice-President leaves a vacancy which must be filled. According to the SBA Constitution, if a vacancy occurs in an elective office and there are more than forty-eight class days left in the term of the departed member, an election must be held to fill the term. The election must take place no later than eighteen class days after the vacancy occurs. The election may be waived at the discretion of the SBA board if no more than one candidate meets the require-

ments for a valid candidacy as determined by the SBA.

Any full or part-time student enrolled in the law school may run for office. A candidate must submit a petition containing signatures of at least 10% of the entire student body, in other words, at least 80 signatures. All are encouraged to run including SBA Board members.

The Constitution mentions only two duties which are accorded to the Vice-President: to assume the duties of the President in his absence, and to be a member and chairman of the External Affairs Committee. The Vice-President's role, however, expands and contracts throughout the school year, and he/she is looked upon by the SBA as being the President's right hand.

An Election Committee will be formed to administer the election. The committee will meet Thursday, February 7th at 3:00 in the SBA office room 101. All those interested in either helping on the committee or finding out more information about the vice-presidency are welcome. If you cannot attend please leave a note in my box 744.

To: All SBA funded organizations

RE: Compliance with By-Law 13 of the SBA By-Laws and current office holders

By-Law 13 requires that "All organizations which wish to maintain or receive an SBA charter and/or receive SBA funds must:

1) send a representative to one SBA meeting in the Fall of each school year (before November 1), and in the Spring (before April 1) to report on the group's activities and plans.

2) publish a letter describing the club's activities and plans in the Law School newspaper, *The Opinion*, after October 15th and before March 15th, of each school year.

3) submit a list of at least 10 signatures of matriculated students who are members of the organization.

This By-Law is designed to encourage an increased awareness of the rich variety of activities within the Law School community. Organizations which do not meet all of the above requirements may have their charter(s) revoked, and may — at the discretion of the SBA Board of Directors — be denied future funding."

Legal Aid for Elderly is Topic

Caring for the elderly sometimes requires decisions pertaining to legal matters.

To offer guidance, the Center for the Study of Aging at the State University at Buffalo has scheduled a special evening workshop on "Legal Aspects of Caretaking the Elderly."

The program, one of 10 CAREERS (an acronym for Caregivers Assistance and Resources for the Elderly's Relatives Series) workshops planned for the winter-spring period, will be conducted from 6:30 to 9:00 p.m. on March 27 at the Marriott Inn, 1340 Millersport Highway, Amherst. The instructors are two local attorneys, Beaufort Wilbern and Mary Engler Roche.

Family caretakers who attend will be advised about property ownership, estate planning, wills, power of attorney, public

benefit programs such as Medicare and Medicaid, and financial issues related to relocation of the elderly to long-term care facilities.

The winter-spring schedule also offers two afternoon and seven morning sessions on a variety of topics. The \$5 fee for

each session, to help defray costs, is payable through formal registration or at the door. Further information, including registration procedure, may be obtained by contacting Marlene Kwiatkowski, program coordinator, at the UB Center for the Study of Aging, (716) 831-3834.

Fund Raising Emphasized

continued from page 1

foundations. Access-to-Justice issues are issues such as administrative rulemaking changes and Legal Services Corporation budget cuts. The coalition also will act to encourage the formation of public interest programs and foundations at law schools which do not have them already.

The Buffalo Public Interest Law Program feels encouraged and

excited by the great deal of information that was shared at this conference. The organization is incorporating such information into its fundraising strategy for this, its sixth, year of summer internship placements in Western New York. Students interested in BPILP are encouraged to contact Al Dong, Sue Silverstein, Charlotte Sibley, or any of the BPILP directors.

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BAR/BRI PRESENTS

STAN CHESS

Discussing Summer 1984 Bar results

and introducing this summer's new bar review programs.

Wednesday, February 13, 1985

12:30 in Room 109

Any questions, please contact the following:

Scott Stechman
Mary Pat Enright
Jay Goldstein
Karen Vance
Jill Kawa
Dan Elias
Steve Wickmark
Lorrie Kolbert
Vic D'Angelo
Roland Cercone
Jack Murray
Rita Hubbard

Laurie Frank
Lee Smith
Seth Sahr
Andy Fleming
Tom Pernice
Wendy Friedberg
Jane Blumenthal
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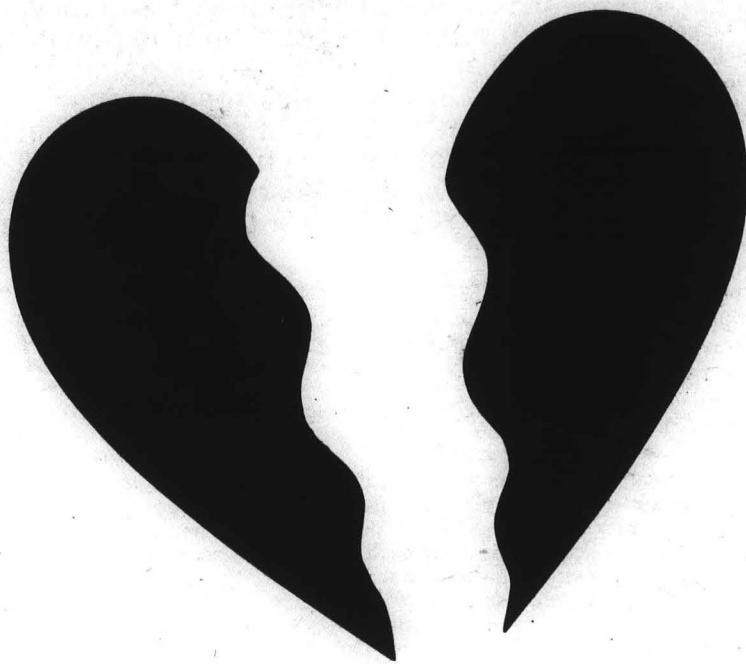
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